



Overview of Mitigation Banking Program

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What is a Mitigation Bank?

- Mitigation banks involve the preservation, restoration, enhancement and/or creation of wetlands and uplands to create a method of selling credits to sell to third parties to offset the loss of wetland functions due to direct or secondary impacts.
- Permit applicants can also provide onsite or site specific offsite mitigation to offset impacts in some cases.
- Mitigation banks are generally privately owned but some existing banks involve public-private partnerships

Mitigation Bank Legislation

In 1993, the Florida Legislature directed the Florida Department of Environmental Protection and Water Management Districts to adopt rules governing the creation and use of mitigation banks:

- The permitting of the mitigation bank itself, and
- The use of mitigation banks by applicants to offset wetland impacts.

Mitigation Bank Legislation

Promoted the consolidation of mitigation into larger areas to provide long-term, sustainable, regional ecological benefits:

- Minimize uncertainty
- Greater assurance of mitigation success
- Optimize opportunities to restore degraded habitats



NOV 2 2004



02/27/2009



6 6 2007

Criteria for Establishing a Mitigation Bank

A proposed mitigation bank must demonstrate:

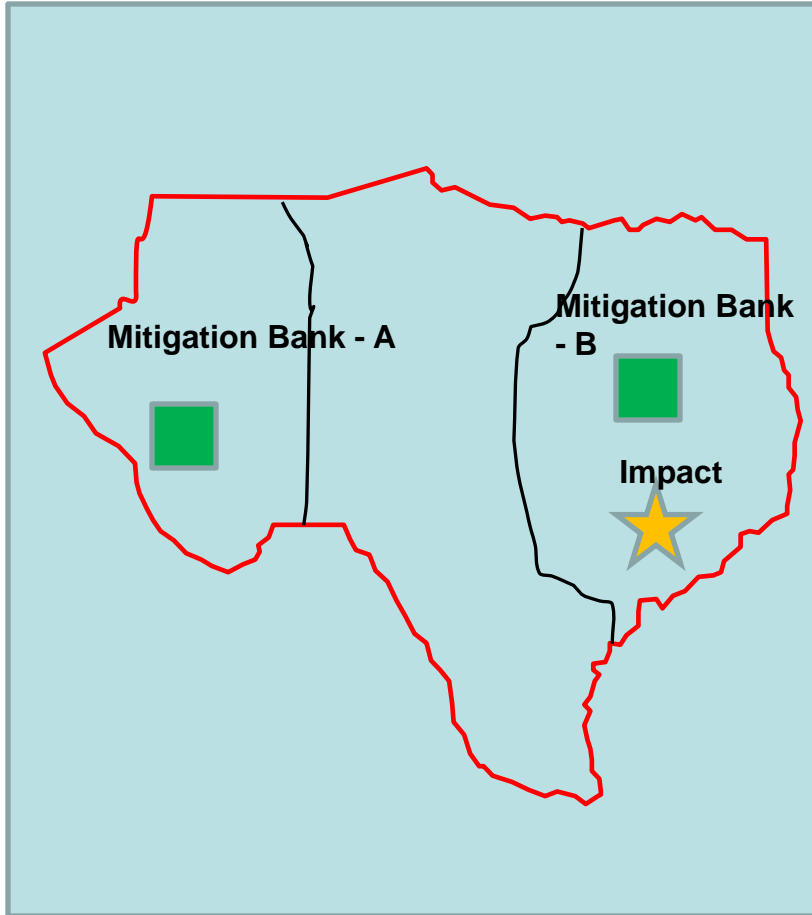
- a) Improve ecological conditions of the regional watershed;
- b) Provide viable and sustainable ecological and hydrological functions for the mitigation service area;
- c) Be effectively managed in the long-term;
- d) Not destroy areas with high ecological value;
- e) Achieve mitigation success; and
- f) Be adjacent to lands which will not affect the long-term viability and the Mitigation Bank.

What does an ERP for a Mitigation Bank Authorize?

A Mitigation Bank Permit grants state authorization and approval on:

- ❖ Design plans, criteria and specifications for activities intended to increase the ecological value of the site;
- ❖ Sequence and schedule of approved activities;
- ❖ Plan goals and criteria established to measure their achievement;
- ❖ The “Mitigation Bank Service Area”;
- ❖ The ecological value of the activities and the amount of “credits” that the project may earn; and
- ❖ The schedule for completion of the activities and release of the credits.

What is a Mitigation Bank Service Area (MBSA)?



- ❖ Geographic area where a wetland impact may be mitigated.
- ❖ District establishes MBSA when bank is permitted
- ❖ Located within a MBSA does not automatically imply that bank is sufficient or appropriate to offset wetland impacts
- ❖ MBSA may fall within more than one Water Management District and/or include more than one bank.

Use of a Mitigation Bank

Use of a Mitigation Bank is appropriate, desirable and a permissible mitigation option when the Mitigation Bank will offset adverse impacts of the project; and

- a) Onsite mitigation opportunities are not expected to have comparable long-term viability due to factors such as unsuitable hydrologic conditions or ecologically incompatible existing adjacent land uses or future land uses; or
- b) Use of the Mitigation Bank would provide greater improvement in ecological value than on-site mitigation.

Credit System

- A mitigation credit is a standard unit of measure which represents the increase in ecological value resulting from restoration, enhancement, preservation or creation activities.
- For purposes of establishing a standard unit of measure, one mitigation credit is equivalent to the ecological value gained by the successful creation of one acre of wetland.
- Credits represent various habitat types and are titled to distinguish their type (i.e., freshwater forested, freshwater herbaceous, saltwater, mangrove, etc.).

Credit System (Cont'd)

- The banker, not the District, sets the price of credits. Based on an informal survey the Water Management Districts and Florida Department of Environmental Protection, credits have sold for prices ranging from \$30,000 (in southern SJRWMD) to \$145,000 (in northern SFWMD).
- The District does not direct applicants to a specific bank or mitigation option

Mitigation Banks Serving SFWMD

- A total of 18 active mitigation banks throughout the District
 - Central (Orange, Osceola, Polk) – 6
 - East (St. Lucie, Martin, Palm Beach, Broward, Miami-Dade) - 7
 - West (Lee, Collier, Charlotte, Hendry) – 5

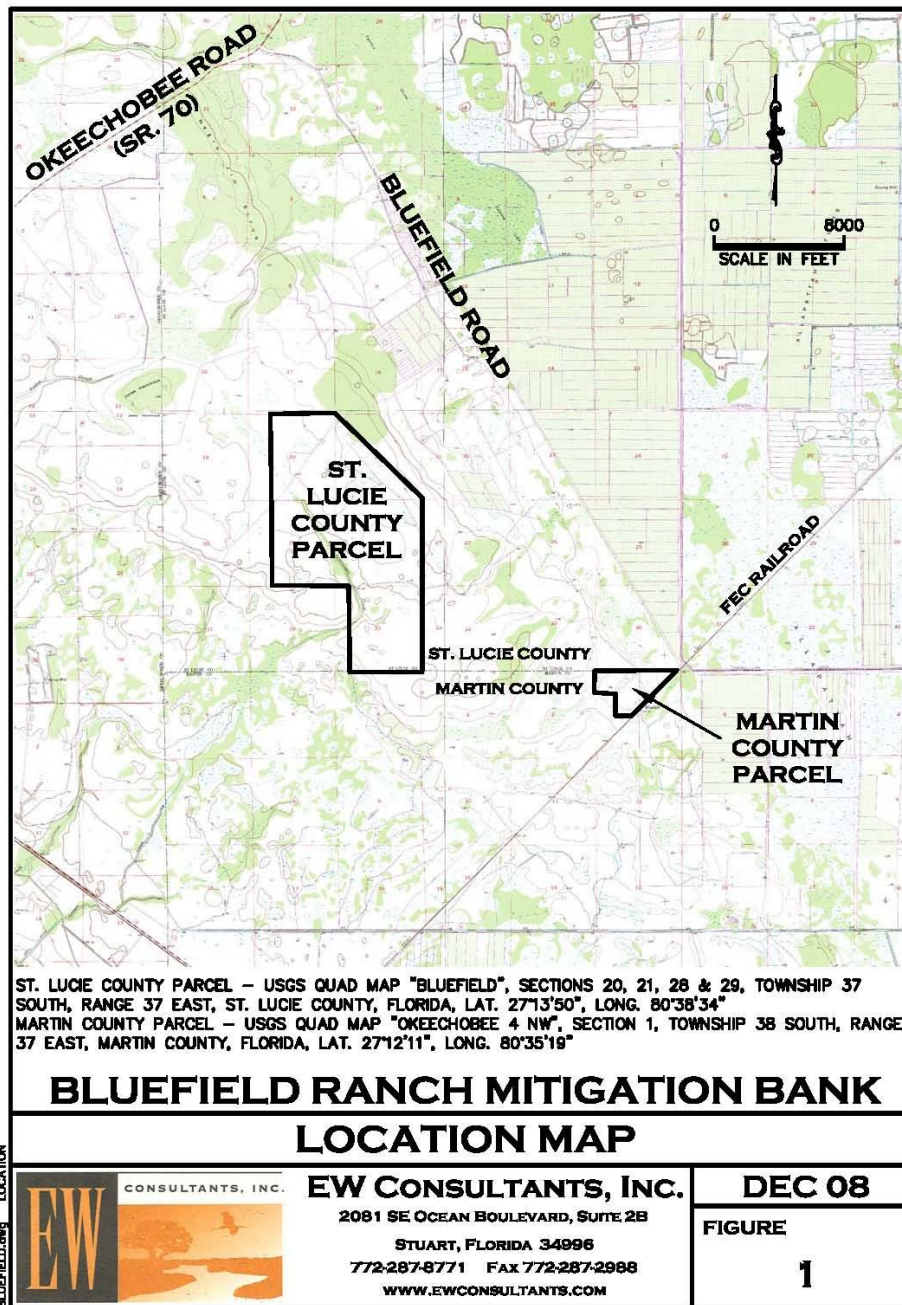
Counties lacking mitigation bank coverage
Monroe, portions of Highlands and
Glades and western Okeechobee

Other Availability Issues

- Although most counties have some access to mitigation bank credits, some types of habitats are lacking – seagrasses & mangroves as well as short hydroperiod
- For small property owners & single family homes cost of mitigation banks may be out of reach
- Cumulative impacts analysis for projects within service area but outside of basin
- Mitigation bank may be permitted but credits not yet available pending completion of work activities



FLORIDA WETLANDSBANK



BLUEFIELD RANCH MITIGATION BANK



Section 373.4135 F.S.

New legislation this year – HB 599

“Notwithstanding the provisions of this section, a government entity may not create or provide mitigation for a project other than its own unless the government entity uses land that was not previously purchased for conservation and unless the government entity provides the same financial assurances as required for mitigation banks permitted under s.373.4136.”

Exceptions to Provisions of HB 599

- Mitigation Banks permitted before 12/31/11
- Offsite regional mitigation established before 12/31/11
- Mitigation for certain transportation projects
- Mitigation for impacts from mining activities
- Mitigation provided for single family lots or homeowners
- Electric utility impacts
- Mitigation on sovereign submerged lands

QUESTIONS?